

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONTE WOODS,

Case No. 2:20-cv-01025-KJD-EJY

Petitioner,

ORDER

STATE OF NEVADA,

Respondent.

V.

STATE OF NEVADA,

Respondent.

Pro se Petitioner Donte Woods initiated this federal habeas action, with the filing of a Petition for Review Pursuant to Rule 40B (ECF No. 1-1), dated June 4, 2020. It is clear from the face of the petition that the document was improperly filed in this federal district court.¹ The petition is captioned to the Supreme Court of Nevada with Case No. 76841.² Woods discusses a recent decision by the Nevada Court of Appeals denying rehearing, ECF No. 1-1 at 10, and seeks relief under Rule 40B of the Nevada Rules of Appellate Procedure, which allows the Nevada Supreme Court to exercise its discretion to review a decision by the Nevada Court of Appeals.

Federal district courts have jurisdiction to review a petition for writ of habeas corpus by a state prisoner alleging he or she is in custody in violation of the constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). This Court does not have appellate jurisdiction over the Nevada Court of Appeals or Supreme Court of Nevada. *See, e.g., Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003). Accordingly, this habeas action was improperly commenced and will be dismissed without prejudice.

IT IS THEREFORE ORDERED:

1. This action is DISMISSED WITHOUT PREJUDICE as improperly commenced.

¹ The petition was electronically filed from the law library at High Desert State Prison. Prisoners rely on library staff to submit such filings; thus, the mistake may be attributable to library staff.

² The Court takes judicial notice of the proceedings in Woods' post-conviction appeal in the Nevada appellate courts. The docket records of these courts may be accessed by the public online at: <http://caseinfo.nvsupremecourt.us/public/caseSearch.do>.

- 1 2. A certificate of appealability is DENIED as jurists of reason would not find dismissal
2 of the petition to be debatable or wrong.
3 3. The Clerk of Court will MAIL Petitioner Donte Woods a courtesy copy of his Petition
4 for Review Pursuant to Rule 40B (ECF No. 1-1).
5 4. The Clerk of Court will enter final judgment accordingly and CLOSE this case.

6 DATED this 10 _ day of June 2020.



7 KENT J. DAWSON
8 UNITED STATES DISTRICT JUDGE

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